

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF NEW YORK**

**ANGEL FERRER a/k/a Gary Michael
King,**

Plaintiff,

v.

**Civil Action No.
9:13-CV-0086(NAM/DEP)**

**HAROLD GRAHAM, Superintendent,
Auburn Correctional Facility, et al.,**

Defendants.

APPEARANCES:

OF COUNSEL:

ANGEL FERRER
a/k/a Gary Michael King
c/o Lee Anne King
83 Clay Street, Apt. 3R
Brooklyn, NY 11222
Plaintiff, *pro se*

HON. ERIC T. SCHNEIDERMAN
Office of the Attorney General
State of New York
The Capitol
Albany, NY 12224
Attorney for Defendants

TIFFANY M. RUTNIK, ESQ.
Assistant Attorney General

NORMAN A. MORDUE, SENIOR U. S. DISTRICT JUDGE

ORDER

The above matter comes to me following a Report-Recommendation by Magistrate Judge David E. Peebles, duly filed on the 28th day of April 2014. Following fourteen (14) days from the service thereof, the Clerk has sent me the file, including any and all objections filed by the parties herein.

After careful review of all of the papers herein, including the Magistrate Judge's Report-

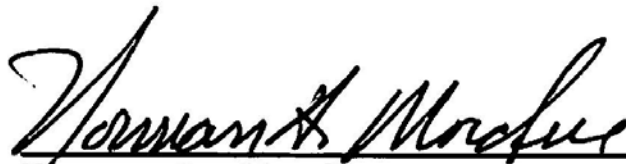
Recommendation, and no objections submitted thereto, it is

ORDERED that:

1. The Report-Recommendation is hereby adopted in its entirety.
2. Defendants' motion to dismiss (Dkt. No. 45) is granted, and plaintiff's complaint in this action is dismissed in its entirety.
3. The Clerk of the Court shall serve a copy of this Order upon all parties and the Magistrate Judge assigned to this case. Plaintiff shall be served by certified mail, return receipt requested.

IT IS SO ORDERED.

Dated: May 21, 2014
Syracuse, New York


Norman A. Mordue
Senior U.S. District Judge